

UNITED STATES DISTRICT COURT

for the
Southern District of OhioIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)The Apartment Located at 2275 Fox Sedge Way, Apartment E, West
Chester, Ohio 45069

Case No. 1:20-mj-906

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. 111	Assaulting, Resisting, or Impeding Certain Officers or Employees
18 U.S.C. 924(c)	Using, Carrying, or Possessing a Firearm During and in Relation to a Crime of Violence or Drug Trafficking Crime

The application is based on these facts:

SEE ATTACHED AFFIDAVIT

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Daniel Nally, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

FaceTime video (specify reliable electronic means).

Date: 12/2/2020

City and state: Cincinnati, Ohio

Judge's signature

Hon. Karen L. Litkovitz, U.S. Magistrate Judge

Printed name and title

Attachment A

Premises to Be Searched

2275 Fox Sedge Way, Apartment E, West Chester, OH 45069 (residence and detached garage) is a two story townhouse apartment, located within a larger building having address 2275 Fox Sedge Way, West Chester, OH 45069. This larger building is located to the South-East of the intersection of Foxglove Lane and Fox Sedge Way. Apartment E is located at the North-East corner of the larger building, having the address 2275 Fox Sedge Way, Apartment E, West Chester, OH 45069. Apartment E is one of (8) townhouse apartments located inside the larger building, and the front door of apartment E faces eastward overlooking a lake. The entry door to apartment E is clearly noted with a silver "E" on the front door above a knocker [See photo]. Apartment E is comprised of red brick and white siding with windows on both the first and second floors. [See photos]





Attachment B

Items to Be Seized

1. Any and all AR platform style rifles and long guns;
2. Any and all rifle parts such as triggers, stocks, aftermarket additions, etc;
3. Any and all rifle ammunition of any caliber;
4. Any and all ammunition containers or cartons;
5. Any and all rifle magazines;
6. Any and all rifle accessories, such as: slings, optical sights [close quarters combat red dots, etc], scopes, rail systems, rail mounted lights, suppressors, etc;
7. Any and all body armor;
8. Any and all documentation related to ownership of all AR platform style rifles and long guns;
9. Any and all receipts or invoices pertaining to AR platform style rifles and long guns;
10. Any photos of AR platform style rifles and long guns;
11. Any videos of John F. Johnson handling AR platform style rifles;
12. Any literature which threatens Federal, State, or Local law enforcement officers or departments.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE SEARCH OF:)	UNDER SEAL
)	
APARTMENT LOCATED AT)	
2275 FOX SEDGE WAY)	Case No. <u>1:20-mj-906</u>
APARTMENT E)	
WEST CHESTER, OHIO 45069)	

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Daniel Nally, a Special Agent with the Federal Bureau of Investigation (FBI), being
duly sworn, hereby state the following:

Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the
Louisville Field Office. I have been a Special Agent of the FBI since January
2016. As a Special Agent of the FBI, I am authorized to investigate crimes involving
violations of federal law. I have been involved in the investigation of numerous types
of offenses against the United States, including Cyber Crimes, Crimes Against
Children, Violent Crimes and Gangs. I have received training in general law
enforcement and specialized training in cyber investigations. This specialized training
includes computer forensics, network traffic analysis, professional certifications, and
programming etc.
2. In the course of conducting and participating in criminal investigations, I have been
involved in interviewing and debriefing informants; interviewing witnesses;

interviewing victims; conducting physical surveillance; consensually monitoring and recording conversations; and preparing and executing search and arrest warrants.

3. The information contained throughout this affidavit is either known personally by me or other federal agents of the FBI Cincinnati Field Office, FBI Louisville Field Office, and task force officers assigned to the FBI. My knowledge of the facts and circumstances contained within this affidavit is based on my personal investigation, as well as reports made to me by other law enforcement agencies, including local city and county law enforcement, information obtained from other non-governmental institutions and businesses located in Kentucky and elsewhere, from the United States Military, and from various other reports and information obtained during the investigation. The statements contained in this affidavit are based either on my personal knowledge or information obtained from other law enforcement officers, cooperating witnesses, victims, and information obtained by way of legal process.
4. The information contained herein is supported by my training, experience, and participation in this and other investigations, including receipt of information from reliable sources and review of documentation and records as more particularly described herein. This affidavit does not set forth every fact discerned throughout the investigation; rather, it contains a summary of the investigation to date. I have set forth only those facts I believe necessary to establish probable cause to conduct a search of the apartment controlled by **JOHN F. JOHNSON**, also known as "Grand Master Jay", as described in Attachment A.
5. I make this affidavit in support of an application for a search warrant for evidence and instrumentalities that are stored at 2275 Fox Sedge Way, Apartment E, West Chester,

Ohio, 45069. This premises is rented, maintained, and controlled, by Johnson as further described herein. There exists probable cause to believe that a search of this location will produce evidence and instrumentalities of a criminal offense against the United States, to wit, Title 18, United States Code (USC), Section 111 (Assaulting, resisting, or impeding certain officers or employees) and Title 18, USC., Section 924(c) (Using, carrying, or possessing a firearm during and in relation to a crime of violence or drug trafficking crime). There is probable cause to search the residence described in Attachment A for evidence of these crimes and instrumentalities of the criminal offenses, and for items to be seized as listed in Attachment B.

Background of the “NOT FUCKING AROUND COALITION” aka NFAC

6. The Not Fucking Around Coalition, commonly known and referred to by the acronym “NFAC”, is a paramilitary militia founded by Johnson. NFAC is comprised of only African-American members, and similar to most other groups, espouses both short-term and long-term goals through its leader John F. Johnson. NFAC’s short-term goals include arming and training black people for the purpose of self-policing and the protection of black communities and the black race. NFAC’s long-term goals include the creation of an “ethnostate”. Johnson has described this “new country” as being owned and created by black people. The creation of the new country would be funded through reparations to descendants of the trans-Atlantic slave trade.
7. Johnson has stated that “anytime there appears to be a gross injustice against the black community, we’ve decided we’re going to take it to the streets. We’re going to take it to their face and show them what Malcolm said was true. There are no such things as a bloodless revolution”. In furtherance of this statement, Johnson has organized and

led armed NFAC marches, which he often calls “formations”, in various locations throughout the United States.

8. According to public source documents, Johnson is believed to have led NFAC in marches in the following locations on or around the following dates:

Brunswick, GA on or around May 12, 2020

Stone Mountain, GA on or around July 4, 2020

Louisville, KY on or around July 25, 2020

Washington, DC on or around August 29, 2020

Louisville, KY on or around September 5, 2020

Lafayette, LA on or around October 3, 2020

9. During these marches/formations, NFAC members have carelessly handled firearms to include being involved in the negligent discharges of weapons. For instance, on or around July 25, 2020 in Louisville, KY, an NFAC member discharged his/her weapon in and around a group of other NFAC members in Baxter Park. The Louisville Metro Police Department (LMPD) characterized this discharge as a “negligent shooting”, and LMPD spokesman Lamont Washington stated that the injuries to the three NFAC members included a “minor injury” to one, a serious injury to a second [who was in stable condition], and an “injury” to a third member which caused this third member to be moved into an intensive care unit. Washington added that the third member was expected to survive.

10. In regards to the “negligent shooting” in Louisville, KY on July 25, 2020, Johnson made a social media video where he tried to explain that the NFAC member did not pull the trigger to make the weapon discharge. Johnson then physically demonstrated

a rifle being banged on a table, causing the bolt assembly to go forward. Johnson incorrectly claimed that this action would have caused the rifle to fire if it had been loaded.

11. Again, on or around October 3, 2020 in Lafayette, LA, an individual in and around the NFAC formation discharged a firearm leading to his arrest. The Lafayette Parish Sheriff's Office arrested Terrance Jones, a felon, on four counts of being a fugitive, one count of simple escape, one count of illegal use of a weapon, one count of reckless discharge of a firearm at a parade or demonstration, three counts of felon in possession of a firearm, and probation violation. Johnson later claimed that Jones was not a member of the NFAC militia.

Background, criminal history, and military service of JOHN FITZGERALD

JOHNSON aka "GRAND MASTER JAY"

12. The FBI became aware of Johnson in approximately May of 2020 after it received an anonymous tip from the public. The tipster advised that the NFAC leader [Johnson] had called for attacking Minneapolis law enforcement and that Johnson appealed to anyone with a firearm to join him. The tipster provided links to the videos where Johnson made the statements on YouTube. The links provided by the tipster were <https://www.youtube.com/watch?v=PVcCKT2wRmA> and <https://www.youtube.com/watch?v=sXZtvqetcn4>.
13. The FBI reviewed these videos determining that on or about 26 May 2020, Johnson posted the two videos as his response to the city of Minneapolis regarding the death of George Floyd. At various points in the videos Johnson makes direct threats to law enforcement along with other threats of violence. For instance, in regards to NFAC

members working with “the other side” [Note: believed to be a reference to working with law enforcement] Johnson states that if you join NFAC and we find out you're working for the other side, we will kill you. In regards to following the law, Johnson states that “they” [Note: believed to be referencing NFAC] will react in any way they choose and they don't care about the law because it doesn't benefit them. In regards to interactions with law enforcement officers, Johnson instructs his followers to assault police officers and then remove the officers' body cameras to conceal footage of them assaulting the officers.

14. On or about May 27, 2020, Johnson, using monikers on YouTube of “theofficialgrandmasterjay” and “thegrandmasterjay”, called for inciting violence against the Minneapolis Police Department. In the video, Johnson called for people to go to Minneapolis with weapons in order to hold the two officers responsible for the killing of George Floyd. Further, on June 5, 2020, Johnson using YouTube moniker “theofficialgrandmasterjay” stated that the only way to stop police violence is to identify and locate the homes of police, burn the houses to the ground, kill the officer, their family members, and associates.
15. The FBI reviewed various other public online videos Johnson posted to his social media accounts. In summary, Johnson has made numerous online and social media videos threatening law enforcement and inciting violence against law enforcement, which are not summarized in this affidavit. Johnson and his members have also, at

various times, physically/directly threatened law enforcement with rifles and long guns as described in subsequent sections.

16. The FBI conducted a review of Johnson's criminal history which showed a pattern of Johnson making threatening statements and then using a rifle or long gun to further threaten various individuals, including women and his wife. An arrest record from the El Paso Police Department in Texas, on or around March 10, 1995, revealed Johnson was arrested upon complaint by Officer Ramon Martinez for "Intentionally and knowingly cause *[sic]* bodily injury to Reisha Williams, by striking her on the left side of the face several times with a closed fist causing pain". Additionally, Johnson was arrested upon complaint by Officer Ramon Martinez for "Intentionally and knowingly use *[sic]* a deadly weapon, to-wit: westerfield 20 gauge shotgun, manifestly designed, made and adapted for the purpose of inflicting death and serious bodily injury and did then and there threaten Jose Antonio Reyes with imminent bodily injury by the use of said deadly weapon." The same charge was applied to three other victims of Johnson's threatening behavior with the shotgun, those individuals being: Cosme Rodriguez Navarro, Sererino Navarro, and Carlos Flores.
17. Review of court documents from the Judicial District Court, El Paso County, Texas reveal Johnson was indicted on March 28, 1995 on one count of "unlawful carrying of a weapon on premises licensed for alcoholic purposes". Johnson's attorney filed a motion to quash the indictment which was successful, and the indictment was dismissed on May 16, 1995. The defense appears to have made a successful technical argument that only "handguns, clubs and illegal knives" were prohibited at premises

licensed for consuming alcoholic beverages”, and that shotgun that Johnson used to threaten the five victims did not fit the “handguns, clubs and illegal knives” definition.

18. The FBI arrested Johnson upon criminal complaint on August 4, 2003 based on Johnson’s actions at the Fort Bragg Military Reservation on August 1, 2003. According to the affidavit filed by an FBI agent in the Fayetteville, North Carolina Resident Agency [satellite office of the FBI Charlotte Division], Johnson threatened to kill his wife, Sheneice Johnson [Sheneice] and her Platoon Sergeant, while Sheneice’s unit was having a formation and recognition ceremony on Fort Bragg.
19. According to the affidavit, Sheneice’s unit had just returned from overseas duty in Kuwait on July 30, 2003. Sheneice had been having marital problems with Johnson and claimed to be a victim of mental and physical abuse in their marriage. On August 1, 2003, after a formation, Sheneice approached Johnson, who had driven onto the reservation, and Johnson told her he was going to “kill your friend”. After this statement, Johnson reached for a rifle in the trunk of his vehicle, and Sheneice tried to stop him but Johnson threatened to kill Sheneice if she didn’t “get away”. Sheneice ran away but Johnson followed her in his vehicle.
20. Military Police eventually intercepted Johnson and requested consent to search his vehicle. An AR-15 rifle was found in the trunk along with three rifle magazines and 56 rounds of 5.56 ammunition. Johnson was convicted on September 2, 2003 of one count of violating Title 18 section 1382 (Trespassing on a Federal Installation) and appears to have been sentenced to one month in jail and a \$100.00 fine.
21. The FBI obtained Johnson’s United States military record which revealed he was a single channel radio operator in the Virginia National Guard from April 27, 1989 until

October 16, 1990. Johnson enlisted in the United States Army on or around October 17, 1990, again as a single channel radio operator. According to Johnson's DD 214 – Certificate of Release or Discharge from Active Duty, he served active duty in the United States Army from October 17, 1990 until July 18, 1997. During this time period, he earned an "Expert Marksmanship Badge w/ Rifle Bar" and was honorably discharged.

22. According to Johnson's DD Form 4/1 – Enlistment/Reenlistment, he reentered the United States Army on July 23, 1998 at the rank of E-4. Documentation reveals that on March 12, 1999 he again qualified as "Expert Rifle M16".
23. According to Johnson's DD 214 – Certificate of Release or Discharge from Active Duty, he served active duty in the United States Army from July 23, 1998 until September 22, 1999, after which time he was discharged "under other than honorable conditions" and demoted to the rank of "Private". Further review indicates Johnson accepted this discharge in lieu of trial by court martial.
24. Between the period of October 17, 1990 and September 22, 1999, Johnson's Military Occupational Specialty (MOS) changed from radio operator to Personnel Sergeant, Finance NCO, and Admin NCO. These later MOS's are administrative and paperwork roles in the US Military.
25. A form in Johnson's service record, number DA 2166-8 Non-Commissioned Officer Evaluation Report, exists for the period December 1, 2003 until November 31, 2004, indicating he had rejoined the US Military. That form reveals Johnson's MOS was Personnel Service Sergeant, which is an administrative and paperwork role in the US Military. Review of Johnson's military file does not indicate how he was able to

reenlist after being discharged “under other than honorable conditions” in lieu of trial by court martial. The FBI is continuing its investigation into this discrepancy to determine whether Johnson may have committed fraud in order to reenlist.

26. On March 18, 2005, Johnson was placed on AWOL status for lying about an appointment and being assigned to quarters. On March 21, 2005, Johnson was classified a “Deserter/Absentee”. At that time, his MOS was listed as Human Resources Specialist and a notation was made that he was under a pending Army Criminal Investigation Division (CID) investigation for fraudulent enlistment.
27. On March 1, 2006, Johnson was apprehended and returned to US Military custody where he was charged with being AWOL from March 18, 2005 until March 1, 2006. On March 9, 2006, Johnson’s counsel, Captain Jeri S. Colbert, requested “Discharge in Lieu of Trial by Court Martial”. This request was approved on March 22, 2006 and Johnson was discharged for a second time “under other than honorable conditions”. On March 24, 2006 Johnson was reduced in rank from Sergeant to Private.

NFAC and JOHN FITZGERALD JOHNSON’S activities in

Louisville, KY on July 25, 2020

28. On July 25, 2020, Johnson directed NFAC to the Louisville, KY area to conduct a march and protest related to the shooting of Breonna Taylor by Louisville Metro Police Department Officers. The FBI interviewed LMPD Officer Aubrey Gregory, who is the Major overseeing LMPD’s Special Operations Division. Within the Special Operations Division is “Special Events”, and this group handles security for protest events and marches. Major Gregory advised that he conducted a WebEx conference call with Johnson and Johnson’s head of security approximately two weeks prior to

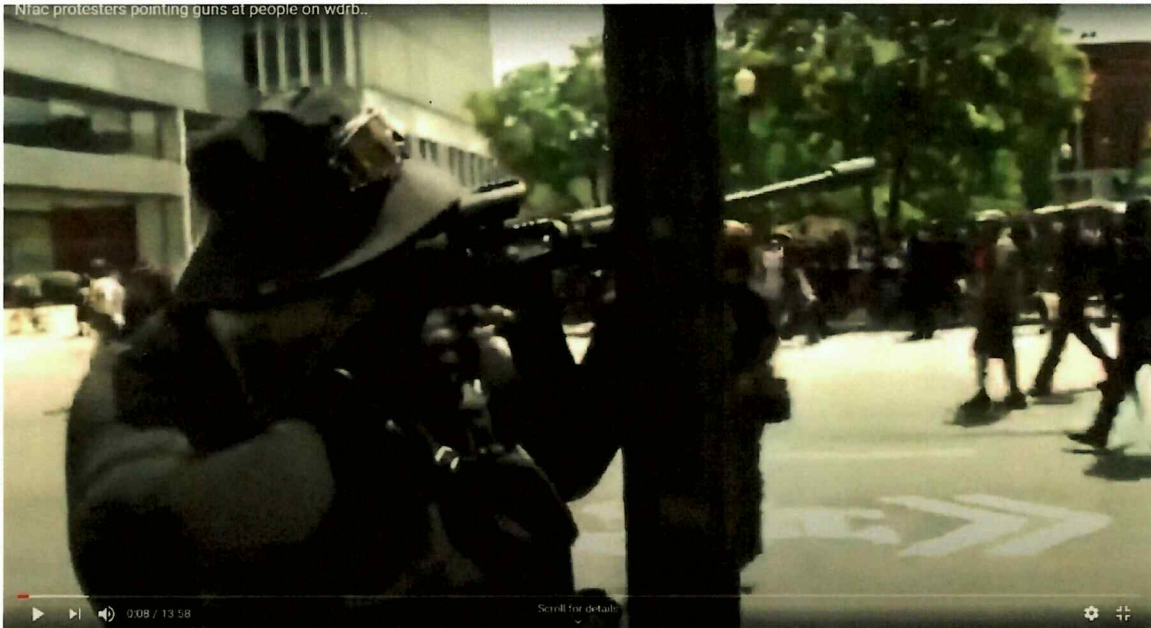
July 25, 2020. Other participants on the call were Lebron Seay [Johnson's local Louisville contact], Jessie Halladay [Special Advisor to the LMPD Chief], and Margaret Broosko [Assistant Director Louisville Metro Parks and Rec].

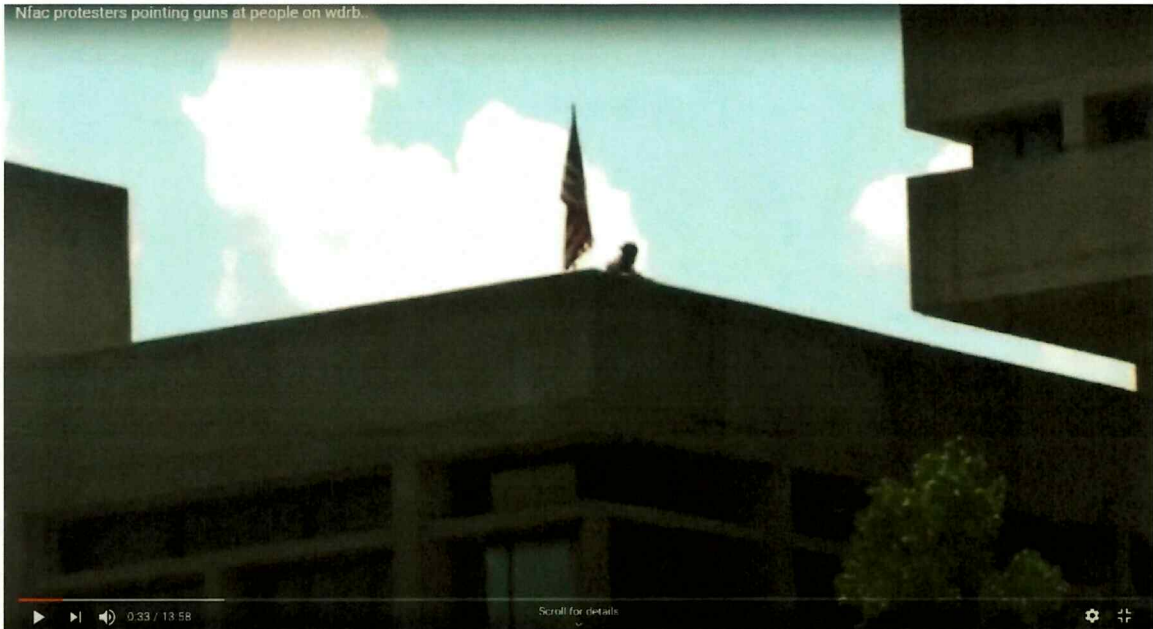
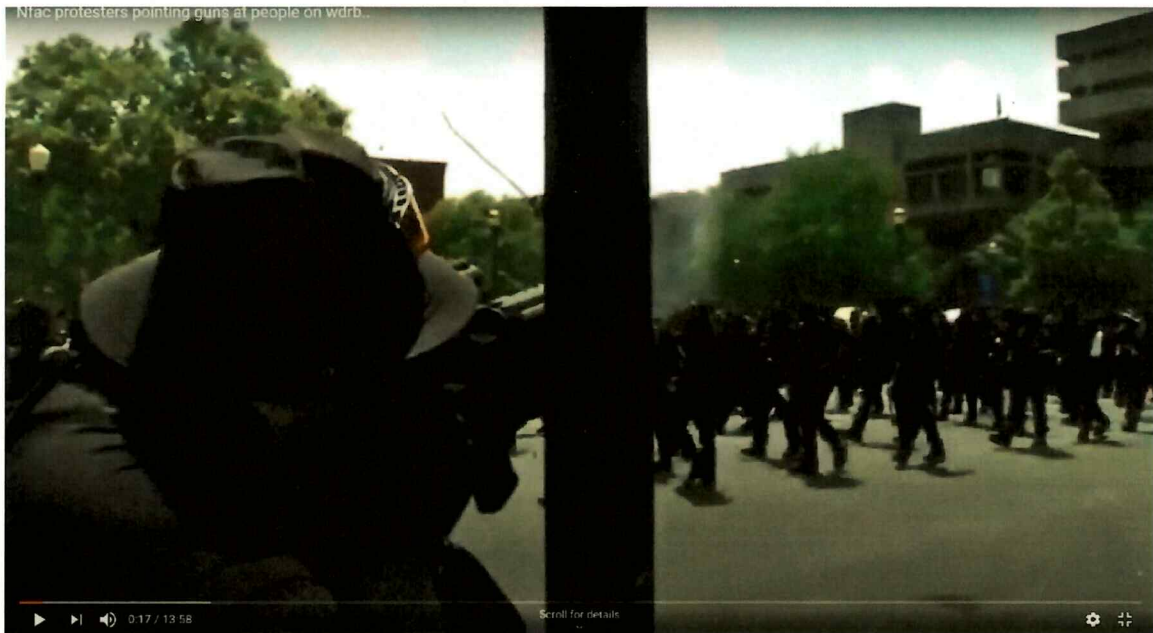
29. Johnson told Major Gregory that he wanted to march to Louisville Metro Hall and give a speech on the stairs in front of the hall. To that effect, Major Gregory and Johnson discussed logistics of where NFAC members would assemble, what route they would take to march to Louisville Metro Hall, how many members would comprise NFAC's group, separation of counter-protestors from NFAC members, and weapon handling and weapon safety protocols for NFAC members.
30. Major Gregory advised that it was eventually agreed upon that Johnson would assemble around the Louisville Fire Department Headquarters and march to Metro Hall. Johnson discussed NFAC's weapon safety protocol and told Major Gregory that only members of NFAC would be allowed in their "formation" and that all members would have loaded weapons but no chambered rounds. Major Gregory informed Johnson that LMPD officers and snipers would be on roof tops of surrounding buildings to observe the crowd. Major Gregory specifically advised Johnson that no NFAC member should point a weapon at the officers or have their weapons in the "high ready" position as that would be pointed up and therefore at officers on the roof tops. The only acceptable positions for weapons was "low ready" or in the slung position. Major Gregory advised Johnson that if NFAC members pointed rifles at the officers, that action would be perceived as a threat, and the threatened officer(s) would shoot the NFAC member posing the threat. The FBI interviewed Halladay who confirmed this conversation and its topics. Major Gregory also had a telephone

conversation with Johnson on July 24, 2020 where Major Gregory reiterated his expectations of NFAC members conduct and again advised Johnson of the locations of law enforcement officers both on the ground and on roof tops.

31. On July 25, 2020, Major Gregory was in and around the area of Louisville Metro Hall when Johnson and NFAC members marched from their starting location at Louisville Fire Department Headquarters to the stairs of Louisville Metro Hall. Major Gregory immediately became aware that Johnson's statements about NFAC weapons safety protocols were not followed as an NFAC member discharged rounds and shot several fellow NFAC members. Additionally, NFAC was not abiding by Major Gregory's instructions to not point weapons at anyone, especially law enforcement officers. Major Gregory personally observed a member of Johnson's security detail aiming a rifle at LMPD's Air20 helicopter unit during Johnson's speech from the stairs of Louisville Metro Hall. Later, Major Gregory became aware of an unknown NFAC member aiming his rifle at officer(s) on the Hall of Justice Building. This action was captured on a local news channel broadcast of the NFAC march on July 25, 2020 [see screen shots below]. The unknown NFAC member can be seen pointing a rifle at a

law enforcement officer on the Hall of Justice building and placing his index finger on the rifle's trigger.





32. The FBI showed Major Gregory a photo of Johnson which was obtained from one of Johnson's supporter's social media account. This photo is of Johnson located at the Louisville Fire Department Headquarters. In the photo, Johnson is aiming his rifle at the sky with his index finger on the trigger, rifle magazine seated, and bolt forward. Major Gregory advised that he believed that Johnson was also aiming his rifle at the LMPD Air20 helicopter unit, just like the other NFAC member of the security detail had done. Major Gregory considered Johnson's posture and positioning to be "threatening". [see below]



Johnson at Louisville Fire Department Headquarters on July 25, 2020

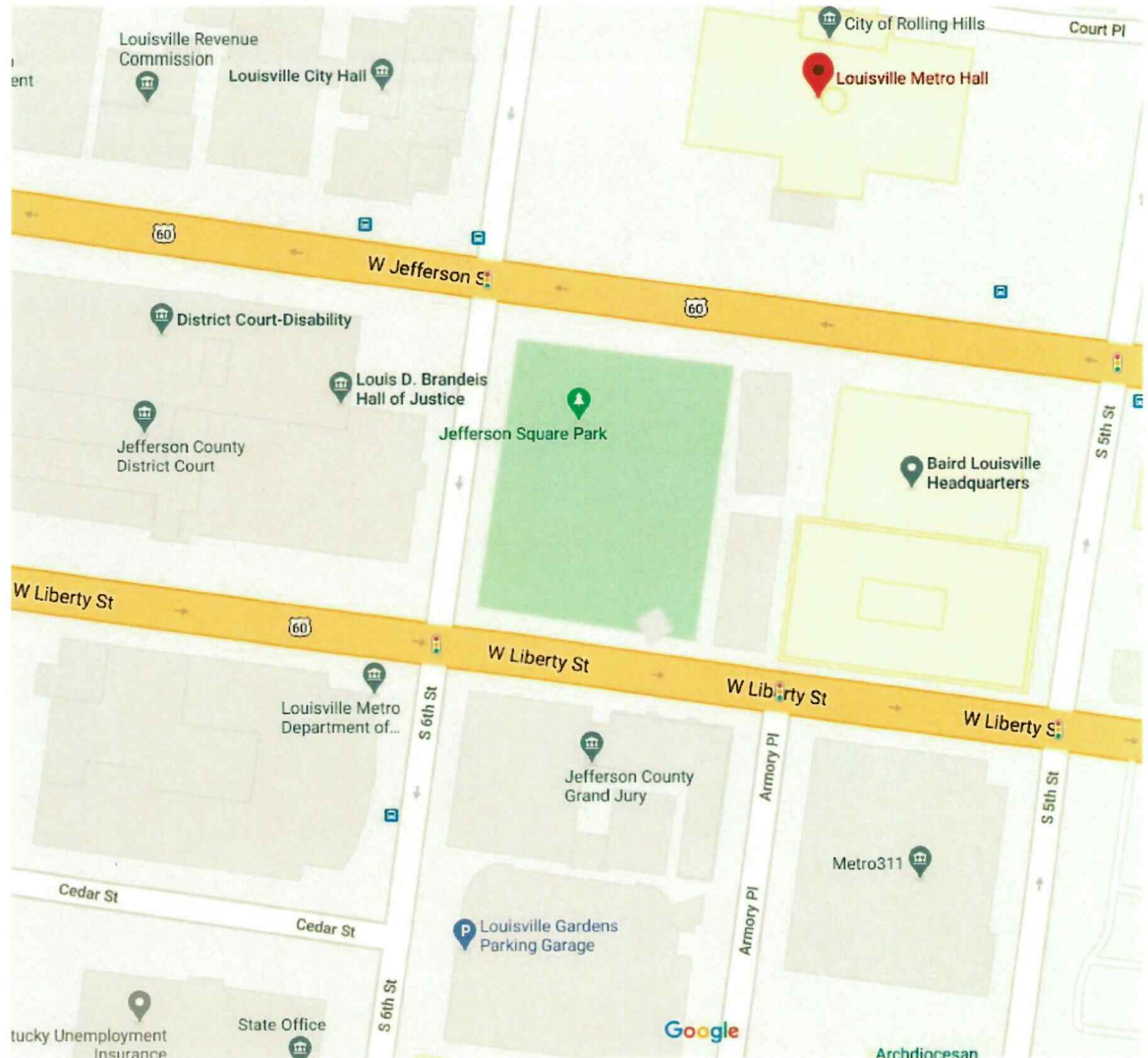
33. Major Gregory advised that the day after NFAC's march in Louisville, July 26, 2020, Johnson contacted him to thank him for his efforts and cooperation with NFAC. Major Gregory recalled telling Johnson he was very upset due to the NFAC members

aiming rifles at law enforcement officers and that they were “lucky” there had not been a shooting incident between NFAC members and LMPD that day.

Encounter between Louisville Metro Police Department Officers, Federally Deputized Officers, and JOHN FITZGERALD JOHNSON on September 4, 2020

34. On the evening of September 4, 2020, Officers from the Louisville Metro Police Department were conducting over watch and surveillance of a crowd that had gathered in Jefferson Square Park. Various protest groups had chosen this park, likely due to its close approximation to various local governmental buildings, to congregate related to ongoing national protests/civil unrest and related to the Breanna Taylor investigation. Officers were located inside, and on the roof of, the Jefferson County Grand Jury building located at 514 W. Liberty Street, Louisville, KY. This building is situated directly south of Jefferson Square Park and provides an elevated and concealed position to observe the crowd. It is also closed to the public, with windows on the first floor boarded up. Additionally, as described further in later paragraphs, this location provided the Louisville Metro Police Department a safe location to communicate with

the individuals in the park and to spot criminal activity occurring in the park. [see below for layout of this area]



***Overhead view of Jefferson Square Park, Jefferson County Grand Jury Building,
Louisville Metro Hall, Hall of Justice, and Metro311***

35. The LMPD Officers had been assigned over watch and surveillance duties at this location, and other roof top locations around the park, since approximately late May

2020. On the evening of September 4, 2020, Louisville Metro Police Department Officers TFO#1, TFO#2, Officer#1, Officer#2, and Officer#3 were in the Jefferson County Grand Jury building conducting local and federal law enforcement duties. [Officers are being denoted as TFO#1, TFO#2, Officer#1, Officer#2, and Officer#3 in order to safeguard them from any retaliation by Johnson or NFAC members] Of note, TFO#1 is a federally deputized Task Force Officer (TFO) assigned to the Federal Bureau of Investigation (FBI) and TFO#2 is a federally deputized TFO assigned to the United States Secret Service (USSS). Both TFO#1 and TFO#2 had been conducting federal law enforcement activities on September 4, 2020 for the FBI and USSS in regards to the Kentucky Derby.

36. At a time prior to 8:34 pm, a Louisville Metro Police Department radio transmission occurred advising Officers that six to eight heavily armed individuals were parked on Armory Place next to the parking garage structure. The parking garage structure in question is located directly south of the Jefferson County Grand Jury Building [Louisville Gardens Parking Garage] and officers frequently park in this structure to enter the Jefferson County Grand Jury Building. Armory Place, the street in question, is situated to the east of the Jefferson County Grand Jury Building and next to (to the West of) the Louisville Metro Safe building. [see layout above]
37. TFO#1, TFO#2, Officer#1, Officer#2, and Officer#3 went to the roof of the Jefferson County Grand Jury Building to take up an over watch position on the eastern edge looking down on Armory Place. The purpose was to observe the unknown armed individuals on Armory Place and try to determine their intentions as there were other Louisville Metro Police Officers going to, or already in, the parking garage structure.

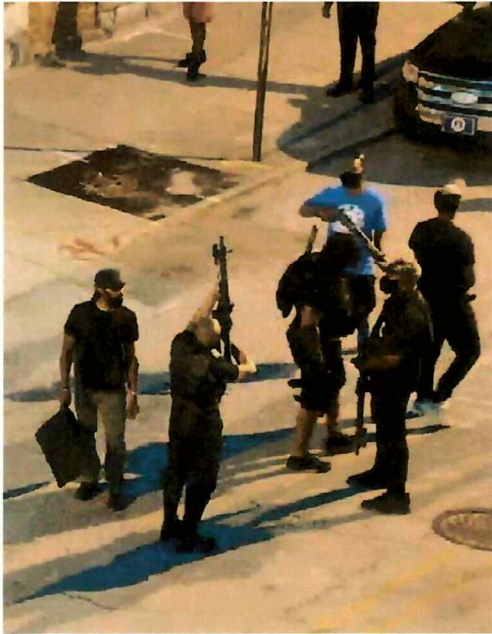
These Officers were retrieving gear and may not have been aware of the armed individuals congregating on Armory Place.

38. Upon arriving at the eastern edge of the roof, the Officers and TFOs began their surveillance. A short time after initiating surveillance, TFO#1, Officer#1, and Officer#3 were blinded by a light which they shortly thereafter determined was a flashlight mounted to the rifle being aimed at them by Johnson. Officer#2 advised he was not blinded by the flashlight because as soon as he saw Johnson begin to raise his rifle, he pulled himself back away from the roof edge to take cover. TFO#2 advised he was not blinded by the flashlight but also pulled himself back away from the roof edge after hearing TFO#1 announce that Johnson had aimed his rifle at the Officers and TFOs on the roof.
39. The FBI interviewed all the Officers and TFOs above. They all advised that they identified the individual on Armory Place, who aimed the rifle at them, as being Johnson [they knew him by his aka "Grand Master Jay"] and the group as being NFAC members. Johnson and the NFAC members had been observed by TFO#2 and Officer#2 earlier in the day at G.G. Moore park and were driving the same vehicles and dressed in the same clothing. Additionally, all the Officers and TFOs were familiar with Johnson's appearance, mannerisms, and tactics due to NFAC's march in Louisville on July 25, 2020 and from them watching various online and social media videos posted by Johnson.
40. The Officers and TFO's advised they all perceived a threat from Johnson based on him aiming his rifle at them. All officers advised they were concerned Johnson might intentionally, or even accidentally, discharge a round at them. All officers recognized

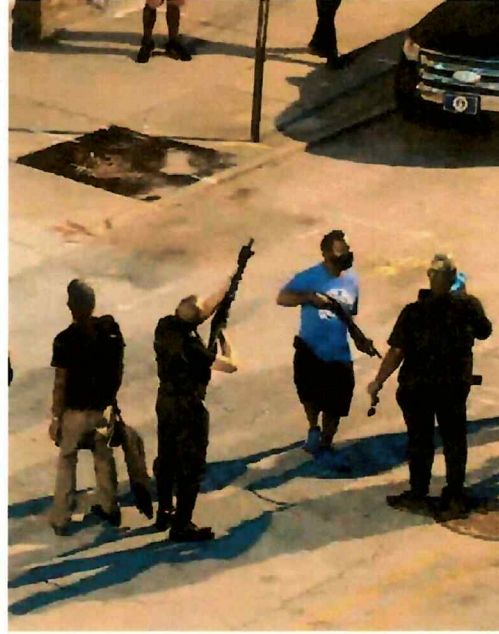
that the distance between themselves and Johnson was well within the effective range of an AR platform style rifle. TFO#2 and Officer#3, who were wearing soft body armor, were aware that soft body armor would not stop a rifle round.

41. The FBI took basic measurements from Johnson's position on Armory Place to the roof top where the Officers and TFOs were located. Those measurements revealed the distance between Johnson and the Officers to be between 20 yards and 35 yards. This was consistent with estimates the Officers and TFO's made of their distances to Johnson on Armory Place.
42. The Officers and TFO's advised that approximately 30 seconds after Johnson aimed his rifle at them, Jessie Halladay, Special Advisor to the Louisville Metro Police Department, exited the Metro Safe building and meet with Johnson and Johnson's local NFAC contact Lebron Seay. The FBI interviewed Halladay who positively identified Johnson from surveillance footage that was taken of the encounter.
43. The FBI obtained one Louisville Metro Police Department radio transmission and two surveillance videos related to this encounter. Review of the radio transmission reveals that TFO#1 makes a transmission over the radio at 8:35:12 advising that "Grand Master Jay" pointed a rifle at "us". LMPD Major David Allen, broadcasting as Car 9 at 20:35:22, confirms TFO#1's statement regarding Johnson pointing his rifle at the Officers and TFOs on the roof of the Jefferson County Grand Jury Building. TFO#1 makes a second transmission at 20:36:01 confirming it was "Grand Master Jay".
44. The FBI reviewed the surveillance video from the encounter consisting of Real Time Crime Center camera footage taken from the north-west corner area and south-west corner area of the Metro Safe building. As seen in screen shots from the first camera

angle, labeled “RTCC SW SS#1” through “RTCC SW SS#2”, Johnson is shouldering his rifle and aiming the rifle at the officers on the Jefferson County Grand Jury Building. [see below]



RTCC SW SS#1



RTCC SW SS#2

45. Review of surveillance video from the north-west corner area shows the same encounter and Johnson aiming his rifle at the Officers and TFOs on the roof of the Jefferson County Grand Jury Building. Additionally, from this angle, the rail mounted

flashlight can be clearly seen as “on” in screen shots from the second camera angle labeled “RTCC NW SS#1” through “RTCC NW SS#2”. [see below]



RTCC NW SS#1



RTCC NW SS#2

46. As indicated during interviews with the Officers and TFOs who were on the roof of the Jefferson County Grand Jury Building, and confirmed during an interview with Halladay and Major Allen, the individual who aimed his rifle at the Officers and TFOs during this encounter was Johnson. The screen shots from the south-west camera angle clearly identify Johnson’s clothing and the AR platform style rifle he was

carrying on the evening of September 4, 2020. Those screen shots are labeled “RTCC NW SS#3” and “RTCC NW SS#4”. [see below]



RTCC SW SS#3



RTCC SW SS#4

**JOHN FITZGERALD JOHNSON’S knowledge of law enforcement officers on
the roof of the Jefferson County Grand Jury Building and other Governmental
Buildings on September 4, 2020**

47. As previously mentioned, Johnson had traveled to Louisville, KY on July 25, 2020 in order to conduct a NFAC march in protest of the Louisville Metro Police Department shooting of Breonna Taylor. Prior to that trip, Johnson and his local contact, Lebron Seay, had been on video conference calls with LMPD Major Gregory to coordinate the march. Major Gregory advised Johnson that officers would be on roof tops of surrounding buildings and Major Gregory admonished Johnson to not point weapons

at the officers as it would be perceived as a threat. During these calls, Johnson advised Major Gregory that only NFAC members would be allowed in NFAC's march.

48. A review of a YouTube video taken by a bystander on July 25, 2020, revealed at least two members of NFAC calling out "SWAT" on the roof and "snipers" on the roof.

This bystander was on the south side of W. Jefferson Street which is the street the NFAC members used to march to Louisville Metro Hall.

49. On July 26, 2020, in a telephone call with Johnson, Major Gregory discussed NFAC members aiming rifles at law enforcement officers and told Johnson they were "lucky" there had not been a shooting incident between NFAC and LMPD.

50. Prior to Johnson and NFAC's arrival in Louisville, KY on September 4, 2020, additional coordination phone calls and video conferences occurred between Johnson, Major Gregory, Lebron Seay, Broosko, and Halladay. Again Major Gregory advised Johnson that law enforcement officers would be on rooftops of buildings to include buildings in the area of Churchill Downs. Again Major Gregory admonished Johnson to not point weapons at the officers as it would be perceived as a threat by the officers.

51. During these calls, Johnson told Major Gregory that there would be additional weapons safety protocols in place to include the clearing of weapons into charging barrels. Johnson made it very clear to Major Gregory that he did not want NFAC and any other groups intermingling, specifically Until Freedom, Black Lives Matter, and Surge. Additionally, Johnson wanted LMPD to keep NFAC and counter-protestors separated. Johnson advised Major Gregory that he would be sending an advance or "recon" team to Louisville, KY the day before to scout the areas.

52. The FBI interviewed all five LMPD Officers on the roof of the Jefferson County

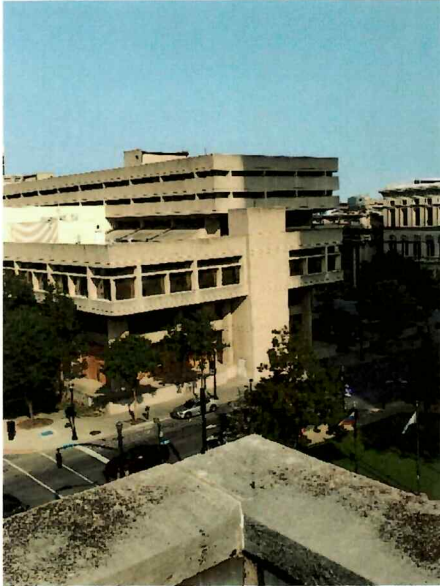
Grand Jury Building on September 4, 2020. All five Officers described similar circumstances related to the public, and Johnson's knowledge, that law enforcement was on the roof of the Jefferson County Grand Jury Building. The Officers advised that since approximately May of 2020, the Jefferson County Grand Jury Building had been controlled by LMPD. This building was a controlled access governmental building and the public was not allowed to enter. Nightly, three announcements were made from the Jefferson County Grand Jury Building, clearly identified as coming from LMPD, announcing the closure of Jefferson Square Park to the north of the Jefferson County Grand Jury Building. To further LMPD's over watch mission, spot lights and speakers had been installed on the roof of the Jefferson County Grand Jury Building and the nearby Hall of Justice in approximately early July 2020. [see below]



***Spotlights on the Jefferson County
Grand Jury Building***



***Speakers on the Jefferson County
Grand Jury Building***



Spotlights on the Hall of Justice #1

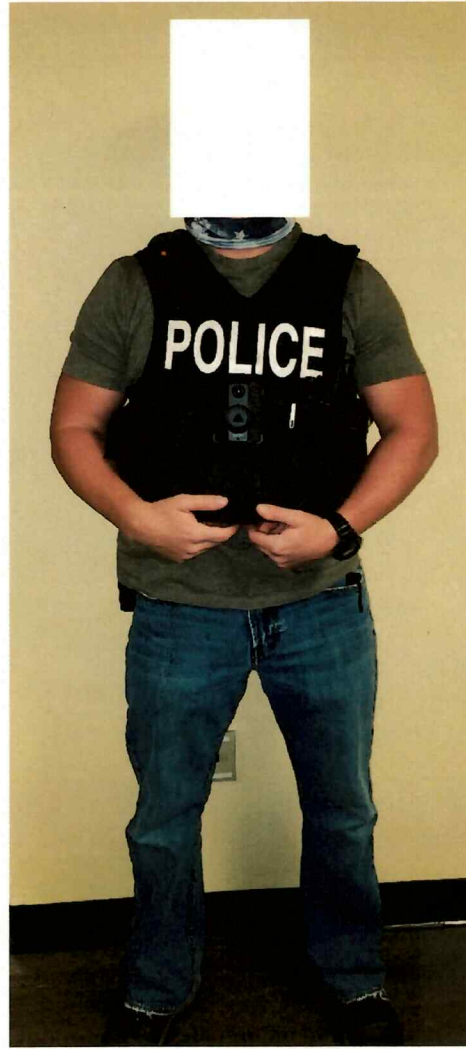


Spotlights on the Hall of Justice #2

53. Two of the Officers advised that they were wearing their LMPD soft body armor, with “Police” semi-reflective placard, the night of September 4, 2020. [see photos below] None of the Officers had drawn their handguns and only one of the Officers had a rifle with him, which he did not point at Johnson or the NFAC members on Armory Place. All Officers advised that neither Johnson, or the other NFAC members perceived a threat from the officers on the roof, because neither Johnson or the other NFAC members moved to cover when they saw the Officers on the roof of the Jefferson County Grand Jury Building.



LMPD TFO#2 w "Police" placard



LMPD Officer#3 w "Police" placard

54. The FBI interviewed Halladay regarding Johnson's local contact Lebron Seay.

Halladay advised that Lebron Seay had been attending LMPD sponsored weekly meetings with other community activists, occurring on Thursdays, since approximately August 2020. During these meetings, one of the topics discussed is LMPD Officer's presence on the roof tops of buildings around Jefferson Square Park. LMPD also

discusses with the group the purpose of the roof top speakers and spotlights on the Jefferson County Grand Jury Building. Other topics related to police use of force and general policing are explained to the group. Halladay stated that Johnson's "circle" of associates clearly would have known that the individuals on the roof of the Jefferson County Grand Jury Building the night of September 4, 2020 were law enforcement officers.

55. As stated earlier, the FBI obtained surveillance video of this encounter between Johnson and the Officers on the Jefferson County Grand Jury Building. One of the noticeable and important details of the video is that after the NFAC members begin pointing to the roof of the Jefferson County Grand Jury Building identifying the Officers presence on the roof, no one moves to seek cover or concealment. None of the NFAC members appear to be alarmed or concerned about their safety. A review of the video seems to suggest that Johnson and the group do not perceive a threat from the Officers on the roof. No other NFAC members aimed their rifles, or weapons, at the Officers, and the individuals forming Johnson's "security detail" did not point their weapons at the Officers on the roof. Of note, Lebron Seay is identified in the group and is unarmed and wearing the white hat, white shorts, and blue shirt. [see screenshot below]



Johnson and NFAC members congregating on Armory Place on September 4, 2020

56. The FBI reviewed a YouTube video posted on or around September 5, 2020 by a user “Black Nation Building” found at link https://www.youtube.com/watch?v=abu2F7y9h_w This video is taken on September 4, 2020, and begins shortly after Johnson’s encounter with the Officers on the roof of the Jefferson County Grand Jury Building. Towards the end of the video, upon Johnson and the NFAC members return to their cars parked on Armory Place, an unidentified male can be seen and heard speaking about the parking garage [Louisville Gardens Parking Garage] to the south of the Jefferson County Grand Jury Building. The unidentified male is standing a few feet from Johnson and explains to the group

twice that the parking garage next to them is higher than the roof of the Jefferson County Grand Jury Building. The unidentified male explains that “last time” he and other unknown individuals were able to enter the parking garage and look down on “these snipers”.

Probable cause regarding 2275 FOXSEGE WAY, APARTMENT E, WEST

CHESTER, OH 45069

57. The FBI served legal process on Berkshire Residential Investments for information related to Johnson renting an apartment in a complex controlled by the company. The company provided a leasing document for Johnson which identified his address as 2275 Fox Sedge Way, Apartment E, West Chester, OH 45069.
58. On September 16, 2020, the West Chester Township Fire Department and the West Chester Police Department responded to a call for service by an anonymous caller who stated that there was smoke coming from 2275 Fox Sedge Way, Apartment E, West Chester, OH. Johnson met fire and law enforcement personnel outside his apartment to advise that there was no fire in the apartment and that Johnson did not know why a neighbor had called the police. The West Chester Police Department sergeant who responded to the scene recognized Johnson.
59. At several times between August 2020 and October 2020, a FBI Task Force Officer (TFO) observed Johnson in and around his rental vehicle in the vicinity of 2275 Fox Sedge Way, West Chester, OH. On October 29, 2020 at approximately 10:55 am, a FBI TFO was conducting surveillance of Johnson at 2275 Fox Sedge Way, West Chester, OH when he observed Johnson enter his known rental vehicle with two black bags and depart. One was a back pack and the other appeared to be a computer bag.

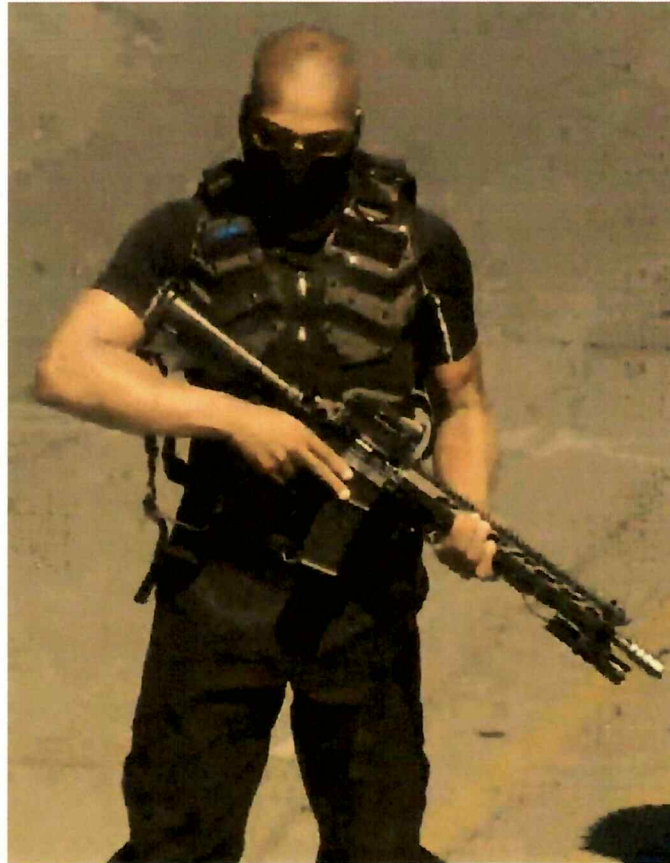
Johnson was known to be traveling on October 29, 2020 from the Northern Kentucky/Cincinnati International Airport with a destination of Puerto Rico. Further checks with a FBI TFO in Puerto Rico revealed Johnson intended to return to the Northern Kentucky/Cincinnati International Airport on November 2, 2020.

60. On November 2, 2020, FBI agents and TFO's conducted surveillance in and around the Northern Kentucky/Cincinnati International Airport. The surveillance team observed Johnson return and exit the airport at approximately 11:01 pm. Johnson was observed entering a ride share vehicle at the airport and took a direct route to his address 2275 Fox Sedge Way, West Chester, OH. At 11:42 pm, an FBI agent and a FBI TFO observed the ride share vehicle make a short stop on the west side of apartment building 2275 Fox Sedge Way and they observed Johnson exit the vehicle from the rear passenger seat with a black back pack and another black bag. The FBI TFO advised that these appeared to be the same bags Johnson was carrying when the FBI TFO observed Johnson leave the complex on October 29, 2020. At 11:47 pm, both the FBI agent and FBI TFO observed Johnson walking towards a sidewalk directly to the north of 2275 Fox Sedge Way which leads to the front door of apartment E.

61. An FBI agent at another location was positioned to observe the east side of 2275 Fox Sedge Way and the front door of apartment E. At approximately 11:50 pm, this agent advised that an individual matching the description of Johnson, carrying bags, approached the door to apartment E and went inside.

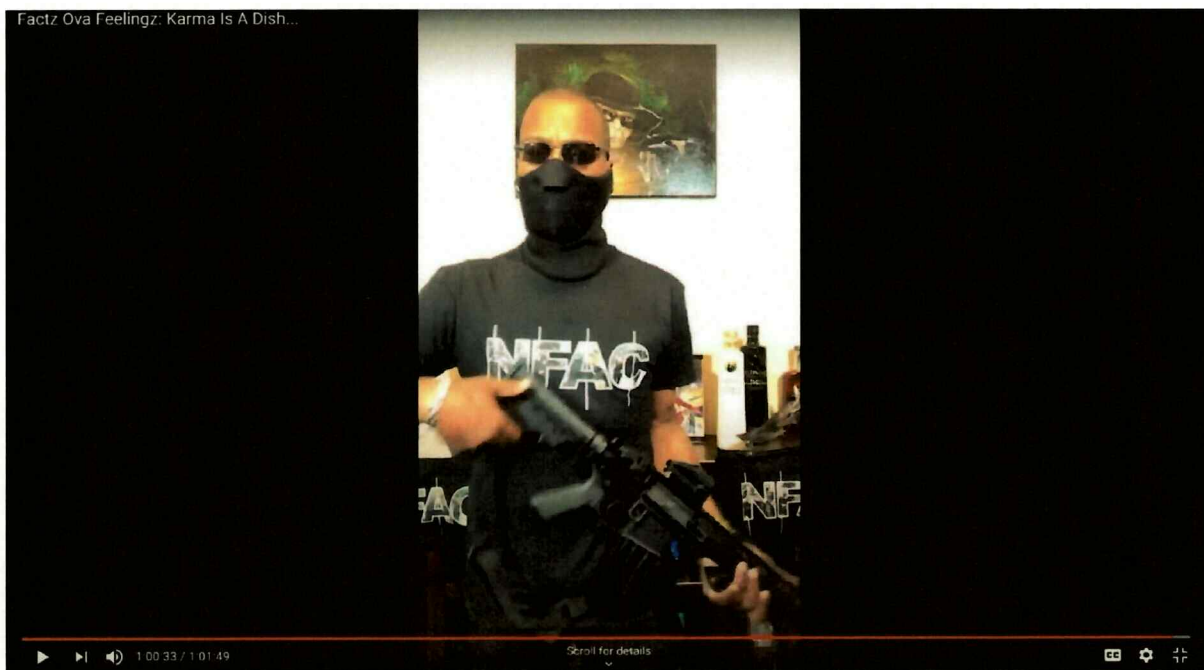
Items to be searched and things to be seized

62. The FBI anticipates executing this warrant at Johnson's residence, 2275 Fox Sedge Way, apartment E, West Chester, OH. The FBI intends to seize all AR platform style rifles and associated items as described in Attachment B, for the purpose of identifying the rifle that Johnson used to aim at the officers on September 4, 2020. Based on affiant's training and experience, individuals typically store their firearms, particularly rifles and long guns, in their residence.
63. The below screenshot is from surveillance video taken on September 4, 2020 and clearly show the weapon Johnson was carrying that evening during his encounter with the Officers on the roof of the Jefferson County Grand Jury Building. Of particular interest is the optic mounted on the top of the rifle and the flashlight mounted onto the rifle's hand guard. [see screenshot below].

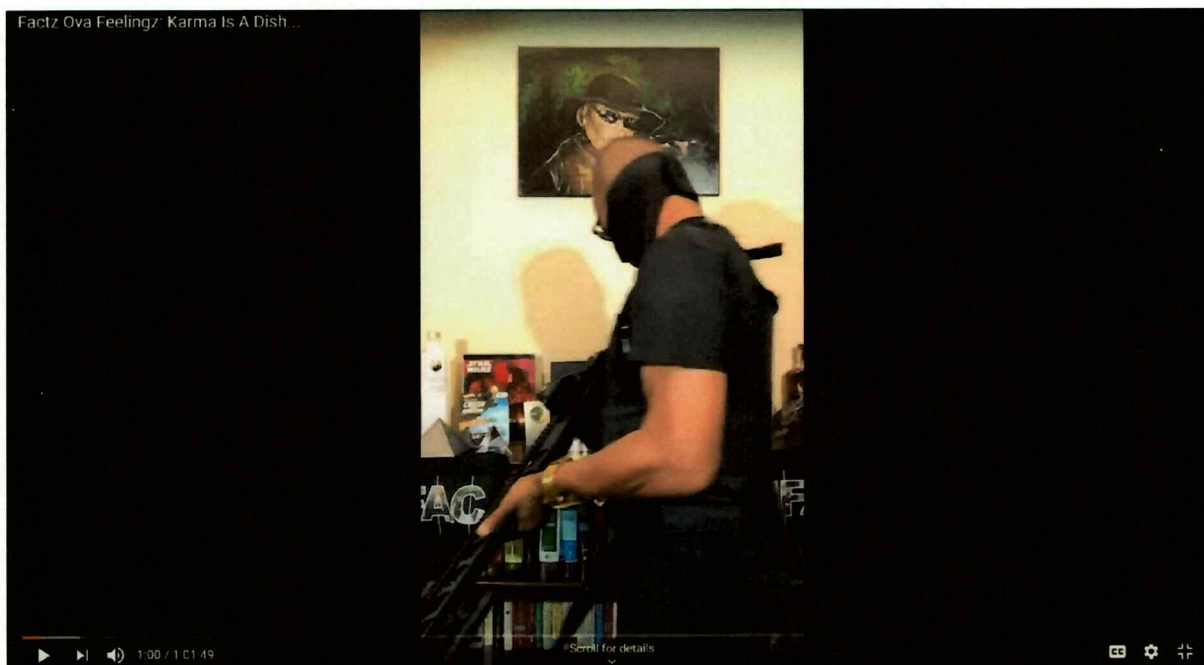


Screenshot of Johnson from surveillance video on September 9, 2020

64. On or about September 22, 2020, Johnson makes a social media video where he appears to be holding the same AR platform style rifle. [see screenshot below]. The rifle appears to have the same optic and rail mounted flashlight as Johnson was holding on September 4, 2020. Affiant has reviewed other videos which Johnson posts on his social media accounts. These videos appear to be taken in a residential setting, and it is probable that Johnson is recording them from inside his residence.



Screenshot of Johnson from social media video on or about September 22, 2020 - Optic



Screenshot of Johnson from social media video on or about September 22, 2020 - Flashlight

Conclusion

65. Based on the information contained in this affidavit, probably cause exist to believe that Johnson used an AR platform style rifle on the evening of September 4, 2020 to forcibly oppose, intimidate, and interfere with the duties of five LMPD officers, two of which were federally deputized task force officers at the FBI and USSS, in and around the area of the Jefferson County Grand Jury Building in Louisville, Kentucky.
66. I believe Johnson knew the individuals on the roof of the Jefferson County Grand Jury Building were law enforcement officers because he had been told directly, on multiple occasions, by LMPD Major Aubrey Gregory that Officers were on the roof tops of governmental buildings around Jefferson Square Park; Johnson's local contact Lebron Seay was advised during regular meetings with LMPD about law enforcement officers presence on roof tops; Johnson's unidentified associate on September 4, 2020, captured on a YouTube social media video, discussed "snipers" on the roof top of Jefferson County Grand Jury Building; Johnson had been to Louisville, KY on July 25, 2020 when law enforcement officers had been stationed on roof tops around Jefferson Square Park; NFAC members in Johnson's formation on July 25, 2020 identified "SWAT" and "snipers" on the roof top of the Hall of Justice building; an NFAC member aimed his rifle at a law enforcement officers on the Hall of Justice building on July 25, 2020; generally the protesters in Jefferson Square Park had knowledge of law enforcement officers being on the roof of the Jefferson County Grand Jury Building since approximately May of 2020; law enforcement equipment such as spot lights and speakers were installed in approximately early July 2020 on the

roof of the Jefferson County Grand Jury Building [prior to September 4, 2020 encounter]; and for other reasons not discussed in this affidavit.

67. Johnson's aiming of his rifle at the Officers on September 4, 2020 was perceived by the Officers as a threat and it had the effect of impeding, intimidating, and interfering with them while they were engaged in their official duties.
68. The FBI has reviewed multiple social media videos of Johnson handling AR platform style rifles in a setting that appears to be residential. In a current video, posted to YouTube on or about November 5, 2020, titled "Mid Day Muse: The Sky, The Slave, and Supposed to Do! Pt 1", Johnson is observed handling a rifle. Johnson appears to be in a home office, and in the background hanging on the wall, is a picture frame. The picture is of Johnson wearing sunglasses and a safari style hat.
69. Based on my training and experience, I know that AR platform style rifles and other long guns are worth hundreds to thousands of dollars in value. Individuals who own these types of weapons typically take care to safeguard them from theft and keep, store, and maintain them at a location controlled by themselves. Additionally, it is not practical to carry rifles or long guns on one's person at all times in the same way an individual can carry a handgun on their person. It is common for individuals to keep their rifles and long guns at their residence. I believe the rifle Johnson used on the evening of September 4, 2020 is stored at his residence, located at **2275 Fox Sedge Way, Apartment E, West Chester, OH 45069.**
70. Based on the aforementioned factual information, Affiant submits that there is probable cause to believe that evidence, fruits, and instrumentalities of violations of Title 18 United States Code (USC) section 111 (Assaulting, resisting, or impeding

certain officers or employees) and Title 18, USC Section 924(c) (Using, carrying, or possessing a firearm during and in relation to a crime of violence or drug trafficking crime) have been committed by **JOHN F. JOHNSON**. Evidence of these violations may be located in **JOHN F. JOHNSON**'s residence described in Attachment A for items as described in Attachment B.

71. Based on the forgoing, I request that the Court issue the proposed search warrant.

Request for sealing

72. Affiant requests the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Daniel Nally", is written over a horizontal line.

Daniel Nally
Special Agent
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me on the 2nd of December, 2020.

A handwritten signature in blue ink, appearing to read "Karen L. Litkovitz", is written over a horizontal line.

The Honorable Karen L. Litkovitz
United States Magistrate Judge

Attachment A

Premises to Be Searched

2275 Fox Sedge Way, Apartment E, West Chester, OH 45069 (residence and detached garage) is a two story townhouse apartment, located within a larger building having address 2275 Fox Sedge Way, West Chester, OH 45069. This larger building is located to the South-East of the intersection of Foxglove Lane and Fox Sedge Way. Apartment E is located at the North-East corner of the larger building, having the address 2275 Fox Sedge Way, Apartment E, West Chester, OH 45069. Apartment E is one of (8) townhouse apartments located inside the larger building, and the front door of apartment E faces eastward overlooking a lake. The entry door to apartment E is clearly noted with a silver "E" on the front door above a knocker [See photo]. Apartment E is comprised of red brick and white siding with windows on both the first and second floors. [See photos]





Attachment B

Items to Be Seized

1. Any and all AR platform style rifles and long guns;
2. Any and all rifle parts such as triggers, stocks, aftermarket additions, etc;
3. Any and all rifle ammunition of any caliber;
4. Any and all ammunition containers or cartons;
5. Any and all rifle magazines;
6. Any and all rifle accessories, such as: slings, optical sights [close quarters combat red dots, etc], scopes, rail systems, rail mounted lights, suppressors, etc;
7. Any and all body armor;
8. Any and all documentation related to ownership of all AR platform style rifles and long guns;
9. Any and all receipts or invoices pertaining to AR platform style rifles and long guns;
10. Any photos of AR platform style rifles and long guns;
11. Any videos of John F. Johnson handling AR platform style rifles;
12. Any literature which threatens Federal, State, or Local law enforcement officers or departments.